

UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In Re:

Anthony G. Davenport) Chapter 13
) 19-15349 MDC
)
) **Hearing to be Held on December 8, 2022 at**
) **11:00 AM.**
) **Courtroom 2, 900 Market Street, 2nd Floor,**
) **Philadelphia, PA 19107**

**MOTION TO ABATE PAYMENTS AND
MODIFY PLAN AFTER CONFIRMATION**

To the Honorable Magdeline D. Coleman, Chief Judge United States Bankruptcy Court:
Anthony G. Davenport ("Debtor"), by and through his attorney, Albert J. Scarafone, Jr., Esquire respectfully represents:

1. The above-captioned case was commenced by the filing a Voluntary Petition for Relief under Chapter 13 of Title 11 of the United States Code on August 27, 2019.
2. Debtor's First Chapter 13 Plan was confirmed on February 27, 2020
3. On September 27, 2022, the Chapter 13 Trustee filed a motion to dismiss for failure to make Plan payments. The hearing on this motion is currently scheduled for Thursday, November 10, 2022.
4. JPMorgan Chase Bank, National Association as servicer for Citizens Bank, N.A. filed a motion for relief from the automatic stay on September 30, 2021 which was resolved with a stipulation. JPMorgan Chase Bank, National Association as servicer for Citizens Bank, N.A.'s stipulation requires the Debtor to pay the post-petition arrearage through a Modified Plan. A copy of the Stipulation is marked as **Exhibit "A"** and attached hereto.
5. Debtor intends to cure the post-petition arrearage payments to JPMorgan Chase Bank, National Association as servicer for Citizens Bank, N.A. and abate the payments to the Chapter 13 Trustee by spreading the payments over the remaining months of this proposed modified plan. Debtor believes that with this modification, he will be able to complete the

Chapter 13 Plan. The proposed Second Amended Plan is attached hereto and marked as **Exhibit “B”**.

6. Attached hereto as **Exhibit “C”** is the Debtor’s amended Schedule “J”.
7. Debtor proposed modified plan will continue to pay unsecured claims the same amount as in previously confirmed plan.
8. Debtor believes the modified plan meets the requirements of the Bankruptcy Code and is in the best interest of the creditors.

WHEREFORE, Debtor respectfully prays this Honorable Court enter the ORDER attached hereto and made a part hereof.

Respectfully submitted,

/s/ Albert J. Scarafone
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